

CONGRESSIONAL RECORD SUMMARY

Monday, February 24, 2003

HOUSE

The House was not in session today. Its next meeting will be held on Tuesday, February 25, 2003, at 2:00 p.m.

Congressional Program Ahead. Week Of February 25 Through March 1, 2003:

Committee on Energy and Commerce, 2/27/03 @ 10:00 a.m. Subcommittee on Health, hearing entitled *"Assessing the Need to Enact Medical Liability Reform."* 2123 Rayburn.

Committee on Government Reform, 2/27/03 @ 10:00 a.m. Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on *"Recovery Now: The President's Drug Treatment Initiative."* 2154 Rayburn.

Committee on the Judiciary, 2/26/03 @ 10:00 a.m. Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on *"Peer-to-Peer Piracy On University Campuses."* 2141 Rayburn.

Committee on the Judiciary, 2/27/03 @ 9:00 a.m. Subcommittee on Immigration, Border Security, and Claims, oversight hearing on *"New York's Sanctuary Policy and the Effect of Such Policies on Public Safety, Law Enforcement, and Immigration."* 2237 Rayburn.

Committee on the Judiciary, 2/28/03 @ 9:00 a.m. Full Committee, hearing on **H.R. 5**, Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2003. 2141 Rayburn.

Committee on Rules, 2/26/03 @ 2:30 p.m. To consider **H.R. 534**, Human Cloning Prohibition Act of 2003. H-313 Capitol.

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Committee on Ways and Means, 2/27/03 @ 10:00 a.m. Subcommittee on Social Security, hearing on **H.R. 743**, Social Security Protection Act of 2003. B-318 Rayburn.

Permanent Select Committee on Intelligence, 2/26/03 @ 2:00 p.m. Subcommittee on Terrorism and Homeland Security, executive, hearing on Terrorist Threat Integration Center. H-405 Capitol.

Select Committee on Homeland Security, 2/25/03 @ 3:00 p.m. To meet for organizational purposes. 2359 Rayburn.

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SENATE

Measures Introduced:

S. 427. A bill to ***amend the Homeland Security Act of 2002*** to assist States and communities in preparing for and responding to threats to the agriculture of the United States; to the Committee on Agriculture, Nutrition, and Forestry.

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Pages S 2594, S 2596-8

S. 430. A bill to amend the Homeland Security Act of 2002 to enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning; to the Committee on Agriculture, Nutrition, and Forestry.

Akaka

Pages S 2594, S 2598-600

Measures Passed:

PROTECT Act: By a unanimous vote of 84 yeas (Vote No. 35), ***Senate passed S. 151, to amend title 18, United States Code***, with respect to the sexual exploitation of children.

Pages S 2573-90, D 139

*"... Finally, the bill provides a **new private right of action** for the victims of child pornography. This provision has teeth, including injunctive relief and punitive damages that will help to put those who produce child pornography out of business for good. I commend Senator Hatch for his leadership on this provision and his recognition that such punitive damages provisions are important means of deterring misconduct. These provisions are important, practical tools to put child pornographers out of business for good and in jail where they belong..." (Leahy, page S 2579)*

*"...Assuming appropriations of the necessary amounts, CBO estimates that implementing S. 151 would cost about \$55 million over the 2003-2008 period for new attorneys and for anticipated costs to the federal court and prison system as a result of those hires. [] Because the bill would establish new federal crimes and would provide funding for more attorneys to prosecute offenders, the government would be able to pursue more cases than it could under current law. Based on information from the **Administrative Office of the United States Courts**, CBO expects the 25 new attorneys to generate roughly 600 new cases each year against child sex offenders, which would increase court costs by about \$9 million over the 2003-2008 period. Those costs would be subject to the availability of appropriated funds..." (Congressional Budget Office Cost Estimate of S. 151, February 19, 2003, pages S 2584-5)*

Nomination Considered:

Senate resumed consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, after agreeing to committee amendments.

Pages S 2554-73, D 139

Nomination Considered (Cont'd.):

"...The history of Senate confirmations of nominees who had previously worked in the Department of

Justice makes clear that an unfair double standard is being applied to Miguel Estrada's nomination. Since the beginning of the Carter Administration in 1977, the Senate has approved 67 United States Court of Appeals nominees who previously had worked in the Department of Justice. Of those 67 nominees, 38 had no prior judicial experience, like Miguel Estrada. The Department of Justice's review of those nomination records disclosed that in none of those cases did the Department of Justice produce internal deliberative materials created by of the Department. In fact, the Department's review disclosed that the Senate did not even request such materials for a single one of these 67 nominees..." (Correspondence from White House Counsel Alberto Gonzales, responding to Senators Daschle and Leahy's request for confidential Department of Justice memos written by Mr. Estrada, pages S 2557-8)

"... According to the Congressional Research Service, no judicial nominee to the circuit court of appeals has ever been denied confirmation by filibuster--not once in the entire history of the Senate. Yet the Democratic leadership has seen fit to change the rules again--another double standard--as their only hope for stopping a bipartisan majority of the Senate from confirming the superbly qualified Miguel Estrada..." (Cornyn, page S 2561)

"... From the 104th to the 106th Congress, when Republicans controlled the Senate, 53 Clinton judges were refused even a hearing in committee; six had a hearing but no vote; 11 came out of committee, but no floor vote. [] The fact of the matter is every Presidential nominee who comes over to the Judiciary Committee for review, for a hearing, and for a vote, does not receive that review, that hearing, and that vote. That is just a fact. So you could say 70 Clinton judicial nominees were essentially filibustered by a Republican-controlled Judiciary Committee--53 never had a hearing, six had their hearing, but were never brought to a committee vote, and 11 were actually reported out of committee, but never had a vote in the Senate..." (Feinstein, page S 2567)

"...But on the appellate level, on the circuit court level, it wasn't the same. In fact, I believe in the last 2 years, the first 2 years, or the 107th Congress, President Bush submitted 32 nominees to the circuit court and only 17 were confirmed--53 percent. That compares to President Clinton. In his first 2 years he got 87 percent; President Bush, 96 percent; and President Reagan, 95 percent. This President Bush in the 107th Congress only got 53 percent..." (Nickles, page S 2570)

A unanimous-consent agreement was reached providing for further consideration of the nomination on Tuesday, February 25, 2003.

Pages S 2620, D 139

Measure Placed on the Calendar:

S. 414. A bill to provide an economic stimulus package, and for other purposes.

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Congressional Program Ahead. Week of February 25 through March 1, 2003:

On Tuesday, at 9:30 a.m., Senate will continue consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

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Committee on the Judiciary: 2/27/03, 9:30 a.m. Business meeting to consider pending calendar business. SD-226.

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Next SENATE MEETING: Tuesday, 9:30 a.m., February 25, 2003.

Next HOUSE MEETING: Tuesday, 2:00 p.m., February 25, 2003.

OLA: S. Schwarz, A. Getter-Santos